IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 8TH SEPTEMBER 2006 / 17TH BHADRA 1928

Crl.Rev.Pet.No. 3169 of 2006()

CRA.87/2004 of ADDL. SESSIONS COURT (ADHOC) III, PALAKKAD
CC.1684/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

.....

REVN. PETITIONER: (APPELLANTS/ACCUSED):

---

1. K.V. PRAKASHAN, S/O. VASUDEVAN,
KALATHIL HOUSE, KANNUR STREET, PALAKKAD.

2. C.H. RAJINA, W/O. K.V. PRAKASHAN,
KALATHIL HOUSE, KANNUR STREET, PALAKKAD.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: (RESPONDENTS/COMPLAINANT):

---

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTR, HIGH COURT OF KERALA,
ERNAKULAM.

2. RAMADASAN E.R., S/O.RAMACHANDRAN,
EDATHODI HOUSE, PARUTHIPPULLY, KOTTAYI,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.J.GEORGE

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL R.P. NO. 3169 of 2006

Dated this the 8th day of September, 2006

O R D E R

Revision Petitioners, who are the accused in S.T.Case No.1684 of 2000, stand convicted for the offence under Sec.138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one month and also to pay a compensation of Rs.1,10,000/- under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation to undergo simple imprisonment for 2 months.

2. The Counsel has confined his plea for modification of sentence regarding mandatory imprisonment and for granting 6 months time for making the payment. It is submitted that the Revision Petitioner and her husband are too poor to raise the amount forthwith.

3. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a

compensation of Rs.1,10,000/- to the complainant under Section.357(3) of the Code of Criminal Procedure and in default of payment of compensation to undergo simple imprisonment for 3 months. The Revision Petitioners are granted 6 months time from today to make the payment of compensation. There will be no further extention. The Revision Petitioners shall appear before the court below to receive sentence on 09.03.2007

The Revision Petition is disposed of accordingly.

(K.R.UDAYABHANU)
JUDGE.

sj